

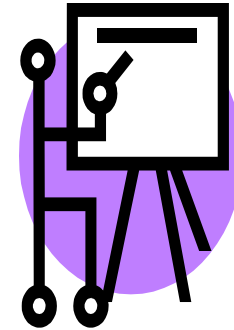
Federal Caregiver Background Check Pilot Technical Training

November 2005

December 2005

January 2006

Program Overview



- Part of 2003 MMA
- Administered by CMS
- 7 Participating States

Pilot History

- The Caregiver Background Check Pilot was included in the federal 2003 Medicare reform bill
- Senator Kohl, a long time advocate of a national caregiver registry, is a strong supporter of the pilot
- Pilot is administered by the Centers for Medicare and Medicaid Services (CMS) in consultation with the Department of Justice

Pilot Participants



- Seven states are participating in the background check pilot:
 - Alaska
 - Idaho
 - Illinois
 - Michigan
 - Nevada
 - New Mexico
 - **Wisconsin**

Pilot Participants



- Three states received abuse and neglect prevention training funding:
 - Alaska
 - Michigan
 - **Wisconsin**

Selection Process

- States were chosen to provide a wide array of models
- Wisconsin is the only pilot state that:
 - Has a purely provider-driven hiring process
 - Is doing a pilot within a pilot (only four counties are affected)
 - Is using pilot funds to cover 100% of the fees associated with the fingerprint background check


Federal Purpose

- Identify efficient, effective, and economical procedures for conducting fingerprint-based background checks

Wisconsin Goal

- Test the added value of conducting a fingerprint-based background check on top of Wisconsin's existing process

Affected Providers and Caregivers

- Included Providers
 - Included Caregivers
 - Time Frames
 - WI and Federal Search
- 

Included Provider Types



As part of the Caregiver Pilot, CMS requires the following provider types to participate:

- Nursing homes
- Long-term Care Hospitals
- ICFs/MR
- Hospices
- Home Health Agencies
- CBRFs with 9 beds and up
- Personal Care agencies – Medicaid State Plan

Who is a Caregiver?



- **Pilot will use Wisconsin's existing definition of a Caregiver:**
 - Is employed by or under contract with an entity
 - Has regular, direct contact with the entity's clients or the personal property of the clients
 - Is under the entity's control

Who Is NOT a Caregiver?



A person who:

- Performs solely clerical, administrative, maintenance or other support functions and is **not** expected to have regular, direct contact with clients or their personal property

Who Is NOT a Caregiver?



A person who:

- Is employed by or under contract with an entity to provide infrequent or occasional services not directly related to client care. E.g., delivery persons, groundskeepers, equipment maintenance, construction or repair persons

Which Caregivers Are Included in the Pilot?

- **Caregivers who start the hiring process on or after the pilot start date including those:**
 - Under the age of 18
 - Former employees

Which Caregivers Are Not Included in the Pilot?

- **The following groups are not covered by the pilot:**
 - Existing staff (hired before the pilot start date in their county)
 - Volunteers
 - Students
 - Owners/operators
 - Temporary workers from staffing agencies



Pilot Timeframes

The federal pilot process will be phased in:

- La Crosse County – February 1, 2006
- **Dane, Kenosha and Shawano Counties – March 1, 2006**
- The end date for all counties is September 30, 2007
- At that time, providers will return to their current background check process

Offenses Lists



- Existing Caregiver Background Check Offenses List
- Federal Exclusion List
 - Applies to all stages of background check
 - Some offenses overlap with WI Offenses List
 - Some convictions only apply when convicted after April 2003

Pilot Background Check Step-by-Step



- Steps 1-7
- Focus on New Requirements
- Making a Hiring Decision

Combining the Wisconsin and Pilot Processes

- Providers covered under the Wisconsin Caregiver Law (s.50.065, WI Stats) continue their current practice but add the pilot elements: the free registry checks and fingerprint-based background check
- Background checks can stop at any point in the process if the candidate becomes disqualified for any reason

Step 1



Caregiver Completes Background Information Disclosure Form (HFS-64)

- If the BID is “clean,” caregiver may work for up to 60 days, pending results of the caregiver background check
- A clean BID is one with no conviction or finding listed on Offenses Affecting Caregiver Eligibility list

Step 2



Employer Checks Free Registries:

- WI Misconduct Registry
- Other state Nurse Aide Registries
- Office of Inspector General (OIG) Exclusion List

Step 3



Employer Completes Name-Based Caregiver Background Check

- To request a criminal history online:
<http://wi-recordcheck.org>
- Must establish an account with DOJ
 - Providers may use an existing account with the exception of PCWs who are required to establish a new account for purposes of the pilot

Step 3 continued...



Employer Completes Name-Based Caregiver Background Check

- If the name search is for a caregiver included in the pilot check the following box:
 - ☐ Is this background check for the DHFS caregiver fingerprint pilot?
- Only affected providers will see this check box—let us know if you don't see the box

Step 3 continued...



Name-Based Results

- A “no record found” response or a criminal record transcript **and**
- A letter (IBIS) from DHFS containing information about the person including:
 - Findings of Caregiver Misconduct
 - Denials/Revocations of Licenses
 - Rehabilitation Review Findings
 - Status of Professional Credentials, Licenses or Certifications

Step 3 continued...



Check Criminal History responses closely:

- Check for disposition of charges
- Compare convictions to WI Offenses List and Federal Exclusion List
- Access DOJ link for help in reading state criminal history responses

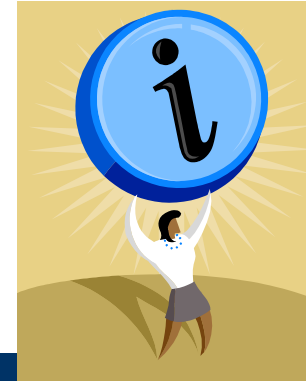
Step 4



Employer Sends Prospective Caregiver for Fingerprinting:

- Applicant must fill out Release of FBI Information
 - Employer keeps this form with the results
 - The form can be put on the entity's letterhead

Step 4 continued...

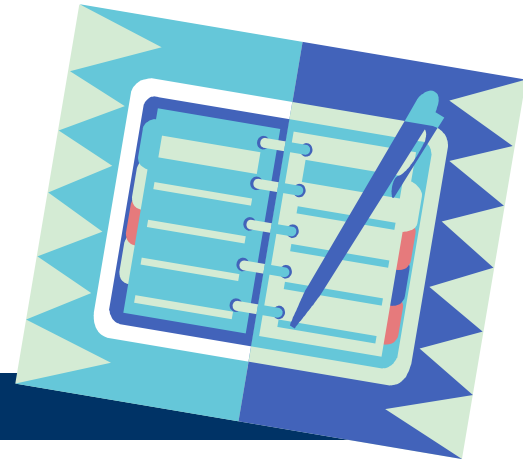


Employer Sets FP Appointment:

Caregiver needs the following information:

- Name (first, last, middle and alias)
- Country of Citizenship
- Place/Date of Birth
- Residence
- Employment status, occupation, employer name
- Gender
- Race
- Eye Color
- Hair Color
- Height
- Weight

Step 4 continued...



Employer Sets FP Appointment:

Kenosha/Dane: Division of Gaming

- Complete form
 - send copy with applicant
- Appointments on a drop-in basis

Step 4 continued...

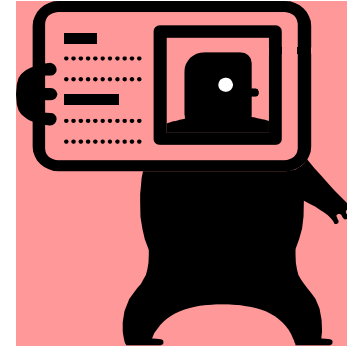


Employer Sets FP Appointment:

LaCrosse/Shawano: Promissor

- Complete form
 - send copy with applicant
- Make appointment:
 - <http://www.wisconsinfingerprinting.com>
 - 1-888-204-6232
- Must cancel within 24 hours to avoid no show fee

Step 5



Caregiver Goes to Fingerprint Appointment

- Bring government-issued photo identification
 - Drivers license, State identification card, Passport, Military photo identification, or valid school id (for minors only)
- Appointment lasts 15-20 minutes
- After quality assurance check, fingerprints are sent to DOJ

Step 6



Fingerprint Criminal History Search

- DOJ will check fingerprints against the state fingerprint database
 - DOJ will post results on the provider's DOJ account
- DOJ will forward prints to the FBI who will check prints against the federal data base
 - FBI will send results back to DOJ
 - DOJ will post results on the provider's DOJ account

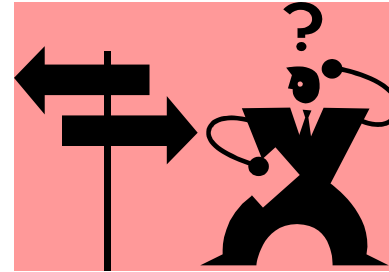
Step 6 continued...



Fingerprint Criminal History Search

- Results should be posted within 1 to 2 business days from time DOJ receives prints
- Provider may receive state results before FBI results
- Provider responsible for checking DOJ website for results

Step 7



Employer Makes Final Hiring Decision

- Employer must comply with current WI Caregiver law provisions,
 - e.g. getting further information on certain convictions, getting military information, etc.
- Check WI Offenses List and Federal Exclusion List
- Determine substantial-relatedness of any conviction not on the offense lists.

Rehabilitation Reviews

Caregivers with offenses on the Wisconsin list or exclusions on the federal list may apply for a Rehabilitation Review

- Can apply at any time
- Must complete and sign a Rehab Review Application form (EXS-263) available at www.dhfs.wisconsin.gov/caregiver/forms
- Send to the DHFS Office of Legal Counsel

15 MINUTE BREAK



Answering Applicant Questions

Applicant Fact Sheet

- Fingerprints
 - Will be deleted by DOJ and FBI
 - Are not sent to DHFS or to provider
- FBI results
 - Cannot be shared with other providers
 - Can only be shared with applicant



File Retention



- Maintain background check pilot results on file
- Records may be retained in a manner chosen by the employer but must be:
 - Available upon request by state staff
 - Maintained in a confidential manner

WI Caregiver BC Fees



- The pilot will cover the following fees:
 - Existing Caregiver BC name search fee for all PCW-only agencies
 - Fingerprint capturing fee
 - State fingerprint search fee waived by DOJ
 - FBI fingerprint search fee

WI Caregiver BC Fees



- Provider/Applicant will be responsible for the following costs:
 - Transportation to/from fingerprint site
 - Staff time associated with added procedural steps

Online Resources/Forms/Links

www.dhfs.wisconsin.gov/caregiver

- Forms (BID, etc.)
- Definitions
- Offenses List
- Links to DOJ, including criminal history request, tips for reading criminal histories, etc., application for DOJ account
- Links to WI Misconduct Registry, other states' Nurse Aide registries, OIG exclusion list, etc.
- Caregiver Program Manual

Comparison of CBC and Pilot



WI Caregiver Law:

- Encourages sharing of background check results by entities
- Background check good for 4 years

Federal Pilot:

- FBI results may only be shared with subject of the search
- New background check required at each hire

Comparison of CBC and Pilot



WI Caregiver Law:

- **Includes**

- Students (if working at the facility longer than 60 days)
- Facility owners/operators
- Temporary workers

- **Excludes**

- Caregivers under 18 with clean BID

Comparison of CBC and Pilot



Federal Pilot:

- **Includes**

- Caregivers under 18

- **Excludes**

- Students
- Facility owners/operators
- Volunteers
- Temporary workers

Part 1: Question and Answers



Federal Background Check Data Collection Requirements

- Required Data Elements
 - What and When to Collect
 - Data Collection Form
- 

Required Data Elements



1. Number of background checks initiated
 - By provider or provider type
 - By quarter
2. For initiated background checks
 - # ended with voluntary withdrawal
 - # resulted in disqualification
 - # rehabilitated
 - # appealed their disqualification
3. Average length of time to perform background check

Required Data Elements cont'd...

4. State expenditures for background checks
5. Number of Substantiated incidents of abuse, neglect and mistreatment per resident of participating providers
6. Resident and family complaints
7. Deficiency citations
8. Staff vacancy rates, number of applicants, retention/turnover rates and staff/resident ratios

Data Reporting



- DHFS is using existing data collection methods to collect as much of this data as possible (items 4-8)
- Participating providers will be asked to submit aggregate hiring data on a quarterly basis (items 1-3)

Data Collection Tool



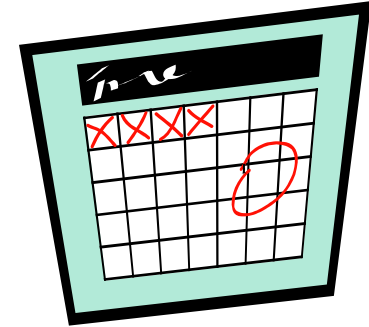
- The BC process begins when a caregiver completes the BID form
- The BC process is complete when a hiring decision is made – either to hire or not hire
 - Could be after step 1 if disqualifying info is found
 - Could be for non-background check reasons

Data Collection Tool



- Detail is only required for individuals who did not pass the background check process
- If interested, copies of Excel tracking databases will be available

What and When to Report




- Include data only for individuals who have completed BC process in that quarter
- Submit one report for each provider type
 - May have multiple license numbers
- Quarterly reports are due 30 days after the end of the quarter
 - i.e., Quarter 1 report is due April 30, 2006

Submitting Data Reporting



- Hard copy via US mail
 - Address on form
- Electronic copy to
 - Caregiver_Pilot@dhfs.state.wi.us
- May also have a website
 - Reminder with web address will be sent at end of quarter.
 - To sign up, contact Rebecca Swartz.

Abuse & Neglect Prevention Training

- Pilot
 - Training Goals
 - Experiential Training
 - Timeline
- 

Abuse and Neglect Prevention Training

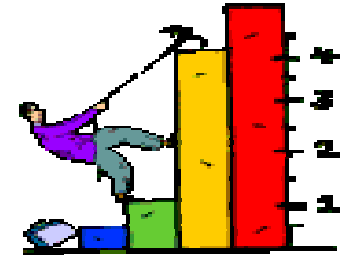
- Wisconsin is one of three states to receive additional funding to create new and innovative abuse and neglect prevention training
- The goal of the training is to reduce the incidence of abuse, neglect, and misappropriation
- CMS has funded training programs to study the alternative means of reducing abuse and neglect

Abuse and Neglect Prevention Training



- Covers the same groups as the background check
 - Nursing Homes, LTC hospitals, FDDs, CBRFs (with 9 beds and up), Hospices, Home Health Agencies, PCW agencies
 - In Dane, Kenosha, La Crosse, Shawano
 - Beginning March 1, 2006 and ending September 30, 2007
- Training, however, covers both existing staff and new hires

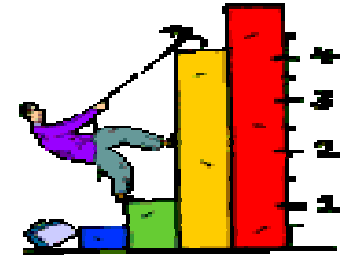
Abuse and Neglect Prevention Training



- Training Goals

- Training advances DHFS goals to protect vulnerable adults & families, encourage healthy behaviors, & promote community responsibility
- Training has a clear impact on the knowledge, skills, and values of participants
- Training is attended by enough caregivers to create systemic change
- Training utilizes multiple modes of delivery, including an experiential component

Abuse and Neglect Prevention Training



- Training Goals Continued
 - Training focuses on best practices in collaboration with providers and staff
 - Training is consistent with up-to-date research on abuse and neglect prevention
 - Training meets the needs of different provider types and regions, while maximizing limited budget
 - Training is easily replicable and can continue after the pilot ends

Abuse Prevention Training

- All training will be provided in each of the pilot counties
- All training will be free of charge
 - Providers are responsible for transportation and wages
- Goal is to create relevant training that caregivers want to attend and providers determine is valuable

Abuse and Neglect Prevention Training

Two Training Methods

- Experiential Training
 - Interactive training
 - Scenarios of abuse and neglect
- Topical Training
 - Looks more like standard training
 - Topics will be determined by provider feedback.
May include: communication skills, internal investigations, etc.

Experiential Training



- Is practical rather than abstract
- Is active rather than passive
- Involves the whole person
- Appeals to varied learning styles
- Have individualized outcomes
- Is congruent with principles of adult learning

Training Timeline



- Curriculum Development: August 2005 – January 2006
- Periodic review by Advisory Committee members: Sharing ideas and expertise.
- Pilot training and Advisory Committee meetings on November 30, 2005 and February 2, 2006 at MATC.
- Training will be piloted on February 21, 2006 in Kenosha

Training Timeline



- Plan to roll out experiential training from March – June 2006 in all of the counties
 - Will have kick-off events in each county with a logistical lunch
- Will work with providers to provide smaller tailored training based on the experiential training
- If interest exists, experiential trainings will continue throughout pilot

Registering for Training



- Notices will also be sent to your pilot contact person
- Registration will be the same process as for today's technical training
- Information for Training can be found at <http://www.caregiverproject.org>
- Information for Pilot can be found at <http://dhfs.wisconsin.gov/caregiver/fedBCpilot.htm>

Abuse and Neglect Prevention Training

- In the last months of the pilot, we will work with DHFS, providers, associations and other interested groups to package the training materials for use after the pilot ends

Part 2: Question and Answers



WI Caregiver BC Pilot – Staff

- Rebecca Swartz
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Training Coordinator
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- Staci Wanty
Training Coordinator
920-735-0938, wantysr@dhfs.state.wi.us
- Updated information can be found at:
<http://dhfs.wisconsin.gov/caregiver/fedBCpilot.htm>